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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,021	05/16/2006	Pascale Mareri	283014US0PCT	8483

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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02/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/563,021	Applicant(s) MARERI ET AL.	
	Examiner Elizabeth M. Cole	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/09;3/31/09</u> | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,010,783 in view of EP 181,300, Honeycutt et al, U.S. Patent No. 5,972,039, Genba et al, U.S. Patent No. 4,942,089 and Hasenoehrl et al, U.S. Patent application Publication 2003/0228351. EP '783 discloses nonwoven fabrics comprising polyvinyl alcohol fibers. EP '783 teaches that including polyvinyl alcohol fibers in nonwoven fabrics and then subjecting them to water causes some of the fibers to shrink and the nonwoven fabric to bulk. The shrinking and bulking would necessarily make the fabric elastic, since this is the same mechanism which provides elasticity to the claimed material as taught in the instant specification. EP '783 teaches including polyvinyl alcohol fibers in a nonwoven wherein the polyvinyl alcohol fibers have different degrees of solubility in water, such that some dissolve/shrink at lower temperatures and some dissolve at higher temperatures. EP '783 teaches that the temperature at which the polyvinyl alcohol fibers shrink/dissolve is a result effective variable which can be controlled by controlling the processing and heat treatment of the polyvinyl alcohol fibers. See paragraphs 0085-0098, 0103, 0111-0112.

3. EP '300 teaches making cleansing and wiping cloths so that they comprise at least some highly shrinkable fibers, in order to produce a wipe having a textured surface and a bulkier and resilient structure. See abstract. Genba et al teaches incorporating

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polyvinyl alcohol fibers into nonwoven fabrics to form a shrinkable, bulkable fabric when the fibers are contacted with water. See abstract and col. 17, lines 5-29.

4. Honeycutt et al discloses hot water dispersible polyvinyl alcohol fibers which can be used to make towels and wipes. The material may be in the form of air laid, dry laid, wet laid, hydroentangled, thermo bonded or chemically bonded nonwoven fabrics. See col. 5, lines 17-29. The fabric is preferably soluble in water of at least 50 degrees C, more preferably 70 degrees C and even more preferably 90 degrees C. See col. 9, lines 44-50.

5. EP '783 teaches a nonwoven fabric which is useful as wiping cloths and towels. EP '300 teaches the desirability of bulk and a textured surface in wiping cloths and towels and teaches incorporating shrinkable fibers into the nonwoven fabric to achieve the bulked fabric due to shrinking the shrinkable fibers. . Genba teaches that polyvinyl alcohol fibers can be specifically used as shrinkable fibers in nonwoven fabrics and that the fibers can be shrunk when contacted with water. Honeycutt teaches desirable temperatures for dissolving and disposing of polyvinyl alcohol fiber nonwoven fabrics for use as towels, wipes, etc.

6. EP '783 differs from the claimed invention because it does not adding an encapsulated or anhydrous cosmetic agent to the towels or wipes. Hasenoehrl et al discloses applying substantially dry, (i.e., anhydrous) cosmetic cleansing compositions to nonwoven fabrics which may be made from polyvinyl alcohol fibers. See paragraph 0019. Hasenoehrl teaches using the towels at about 95 degrees F which is a typical hot water temperature for bathing or cleaning skin and is about 38 degrees C. See

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paragraph 0051. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the cleansing and cosmetic agents of Hasenoehrl to the wipes and towels of EP '783. It further would have been obvious to have used the cleaning wipes and towels at temperatures of about 95-105 degrees F which are typical bathing or cleansing water temperatures. It further would have been obvious to have employed hotter water temperatures such as 50 degrees C or higher to dissolve and dispose of the used cloths as taught by Honeycutt. Since EP '783 teaches using a mixture of lower and higher temperature soluble polyvinyl alcohol fibers, EP '300 teaches the specific desirability of using shrinkable fibers in towels and wipes to form a bulkier, textured and resilient cloth and Genba teaches using polyvinyl alcohol fibers as shrinkable fibers in nonwoven fabrics, it would have been obvious to have controlled the blend of fibers and the temperatures for cleansing and bathing the fibers would shrink and bulk and texturize the fabric and then at higher temperatures the fibers would dissolve in order to facilitate disposal of the used cloths. Further, it is noted that the combination of references would also teach the claimed method of using the cloths by teaching using at a lower water temperatures, as taught by Hasenoehrl and disposing at a higher temperature as taught by Honeycutt. As to the particularly claimed temperatures at which the fibers shrink and dissolve, since EP '783 teaches that these are result effective variables, it would have been obvious to have optimized them through the process of routine experimentation in order to arrive at a towel or wipe which shrunk and bulked during use and then dissolved at higher temperatures.

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7. Applicant's arguments filed 10/1/09 have been fully considered but they are not persuasive. With regard to claim 30, the claim was inadvertently omitted from the listing of claims and has been included as set forth above. The method of using limitations found in claims 29 and 30 were addressed in the final paragraph of the previous rejection. A copy of the 1449 is attached. All references have been considered.

8. With regard to the art rejection, Applicant argues that there would not be a reasonable expectation of success to use the coating of Hasenoehrl with the wipes and towels of EP '783 because in Hasenoehrl the fibers are insoluble while in EP '783 the fibers are soluble. However, since in Hasenoehrl the coating is anhydrous and since the fibers of EP '783 are soluble in water, there would be a reasonable expectation of success that the anhydrous coating could be used with water soluble fibers such as those in EP '783, especially since the fibers are soluble in very hot water which would be hotter than the temperature at which the fibers would be used at and since the coating of Hasenoehrl is anhydrous and therefore does not comprise water.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

The examiner's supervisor Rena Dye may be reached at (571) 272-3186.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794

e.m.c

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